

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

MOREHOUSE ENTERPRISES, LLC
d/b/a BRIDGE CITY ORDNANCE, et al.,

Plaintiffs,

V.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, et al.,

Defendants.

Case No. 3:22-cv-00116-PDW-ARS

PLAINTIFFS' MOTION FOR ORAL ARGUMENT

Come now, Plaintiffs, by and through counsel, pursuant to D.N.D. Civ. L.R. 7.1(E), and file this, their Motion for Oral Argument on their Motion for Preliminary and/or Permanent Injunction (Document Nos. 14, 19, 24) and would show unto the Court the following:

1. On July 25, 2022, Plaintiffs Morehouse Enterprises, LLC d/b/a Bridge City Ordnance, Eliezer Jimenez, Gun Owners of America, Inc., and Gun Owners Foundation (“Original Plaintiffs”) filed their Motion for Preliminary and/or Permanent Injunction. (Document Nos. 14, 19).

2. That same day, Defendants filed a Motion for Extension of Time to response to Plaintiffs’ Motion. (Document No. 15). Plaintiffs responded in opposition on July 26, 2022 (Document No. 18) and Defendants replied on July 27, 2022. (Document No. 21).

3. On July 27, 2022, Plaintiffs filed an Amended Complaint, adding the State of Arizona, State of West Virginia, State of Alaska, State of Arkansas, State of Idaho, State of Indiana, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Missouri, State of Montana, State of Nebraska, State of Oklahoma, State of South Carolina, State of Texas, State of Utah, and State of Wyoming (“State Plaintiffs”). (Document No. 22).

4. On July 29, 2022, Magistrate Judge Senechal granted in part and denied part Defendants’ Motion for Extension of Time, allowing Defendants until August 15, 2022 to file their Response, and Plaintiffs until August 19, 2022 to file their Reply.

5. On July 29, 2022, the State Plaintiffs filed a Notice of Joinder in the Original Plaintiffs’ Motion. (Document No. 24).

6. Due to the voluminous nature of the Final Rule being challenged, and the complex issues of federal law involved, Plaintiffs believe oral argument would assist the Court in ruling on their

Motion, including the benefit of having counsel for both Plaintiffs and Defendants present to answer any of the Court's questions.

7. To the extent the Court desires to hold oral argument, Plaintiffs seek to alert the Court to a prior setting in *Ivan Antonyuk, et al., v. Kevin P. Bruen*, Northern District of New York (1:22-cv-00734-GTS-CFH) wherein counsel for Original Plaintiffs will be arguing a hearing on a Motion for Preliminary Injunction that was previously set for 10:30AM on August 23, 2022.

8. To assist the Court with scheduling oral argument if ordered, Plaintiffs will agree to file their Reply two days earlier than the current schedule, or by August 17, 2022, and can be available for oral argument on either August 18 or August 19, 2022. As an alternative date, Plaintiffs could also be available for oral argument on the morning of August 22, 2022, but with the understanding that counsel will have to fly to Syracuse, New York that afternoon/evening to argue the next morning in the New York case.

9. Plaintiffs' counsel has conferred with counsel for Defendants who stated that Defendants "respectfully defer to the Court regarding whether (and if so, when) to hold a hearing on Plaintiffs' motion."

10. Plaintiffs respectfully request that, if the Court orders oral argument, that it holds the argument on either August 18 or August 19, 2022 and, if so, Plaintiffs will agree to file their Reply early by August 17, 2022.

Respectfully submitted, this the August 1, 2022.

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* *Application for Admission Forthcoming*

CERTIFICATE OF SERVICE

I, Stephen D. Stamboulieh, hereby certify that I have on this day, caused the foregoing document or pleading to be filed with this Court's CM/ECF system, which caused a notice of the filing and a true and correct copy of the same to be delivered to all counsel of record.

Dated: August 1, 2022.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh